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STATE FOR WHA/CAR
DOL/ILAB FOR TINA MCCARTER
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SUBJECT: JAMAICA: CHILD LABOR INFORMATION FOR TRADE AND DEVELOPMENT
ACT

REF: 08STATE127448

¶1. Summary: This cable answers questions from reftel and outlines Jamaica's progress on eliminating the worst forms of child labor. During the reporting period, the Jamaican government trained fifty police officers on child labor/exploitation issues. In addition, the Department of Public Prosecutions convicted two persons of trafficking in persons for trying to force a fourteen year-old girl into prostitution. Four others await trial on trafficking charges under Jamaica's 2007 comprehensive anti-trafficking law. End summary.

¶2. Jamaican law does not permit children under age 13 to work. Children aged 13-15 may engage in "light work." Children aged 15 to 18 may work provided that the employment is not hazardous and does not interfere with the child's education, cause harm to the health, or impair physical, mental, spiritual, or social development. Children may not be employed in night work (taking place between 10pm and 5am) or industrial undertakings such as mining, manufacturing, or construction works.

¶3. The only exception to the child labor laws permits children to participate in artistic or musical performances with a permit from the Labor Ministry, which can set out conditions of employment.

¶4. The penalty for employing children contrary to child labor laws carries a maximum fine of J\$250,000 (about USD 3,500) or 3 months of imprisonment with hard labor.

¶5. Jamaica's minimum age for military recruitment and/or involvement in armed conflict is eighteen years; those aged seventeen and six months are permitted to volunteer and participate in military training only with parental consent. Those under eighteen are not certified to serve on active military duty.

¶6. Children may not be employed in night clubs or at any establishment that sells or serves liquor or tobacco products. The law also prohibits using children for an indecent or immoral purpose, or to knowingly rent or allow one's premises to be used for such purposes. Legal penalties for convicted perpetrators include a maximum fine of one million Jamaican dollars (equivalent to USD 11,000), or one year of imprisonment and a revocation of a business operating license.

¶7. The Ministry of Labor maintains a draft list of occupations in which children can never be employed. These include fishing at sea, handling insecticides, operating heavy-duty equipment, or participating in the production of pornography. These prohibitions supplement the 2004 Child Care and Protection Act. Persons who violate that law can be imprisoned for up to six months with hard labor, and/or pay a fine of up to 500,000 Jamaican dollars (equivalent to USD 5800).

¶8. In 2007, the government passed comprehensive anti-trafficking legislation which specifically prohibits the trafficking of children for labor or commercial sexual exploitation. Penalties include fines and up to 10 years of imprisonment.

¶9. In the current (2009) legislative session, the Jamaican parliament is due to debate a new Occupational Health and Safety Act which would codify the Labor Ministry's list of prohibited work. The new act also raises the penalty for violating the prohibition to

a maximum of one million Jamaican dollars, or USD 11,000.

¶10. The government's Office of Health and Safety (OHS) has twenty labor inspectors and receives additional support from the labor ministry. According to the child labor unit at the Labor Ministry, through September 2008, the OHS conducted 559 inspections, including 116 building inspections and inspections of port areas such as docks and ships. Inspectors did not find any incidents of child labor in any of their investigations.

¶11. The Child Development Agency (CDA) coordinated presentations at the Police Training Academy to alert police to issues of child labor and exploitation, and 50 officers were trained during the reporting period. CDA field officers also conducted training sessions in different parts of the country. In addition, a British consultant from a UK child protection agency conducted an audit on Jamaica's system. The consultant focused on reducing secondary victimization of children who suffered sexual abuse. The consultant worked with the Centre for Investigation of Sexual Offences and Child Abuse (CISOCA) and helped create guidelines for police investigations in such cases.

¶12. The Ministry of Labour and Social Security runs a cash transfer program as part of its Program for Advancement through Health and Education (PATH). During the reporting period, the Ministry expanded the program to allow more families to participate. In order to be eligible, children must maintain an 85 percent attendance rate at school. At the primary school level, boys in the program had a compliance rate of 88 percent and girls of 90 percent. At the secondary school level, the compliance rate was 80 percent for boys and 85 percent for girls.

¶13. The Office of the Children's Registry, created by Parliament under the 2004 Child Care and Protection Act, is now fully functional. It runs a hotline for people to report suspicions of child abuse, including the use of child labor or suspicions of child trafficking. The hotline has expanded its hours from 8 to 16 hours per day, 7 days a week.

¶14. The Ministry of Education, Youth, and Culture is responsible for implementation of the government's programs for children. In 2007 the government established an Office of the Children's Advocate (OCA). The office has broad responsibilities for reviewing laws, policies, practices, and government services affecting children; providing legal services and investigating complaints against the government; and publishing reports and issuing best practice guidelines concerning the rights or best interests of children. During the reporting period, the OCA intervened to have 15 students reinstated in schools, assigned lawyers to represent children in 54 court cases, and successfully sought bail for 22 minors accused of committing crimes.

¶15. Within the Labor Ministry, there is a Child Labor Unit that has been functioning since the year 2000. Currently, the unit has two full-time employees and one ancillary staff member. The Labor Ministry has made further budget allocations and advertised further positions in the unit; by April 2009, there should be nine full-time staff members working there. They will focus primarily on drafting legislation and researching child labor issues.

¶16. The government concluded preparatory work (including construction) to establish a shelter to house victims of child trafficking, and the shelter is due to open in early 2009.

¶17. In December 2007, the state successfully prosecuted two persons accused of attempting to get a 14-year-old girl involved in prostitution. Four other persons are awaiting trial on charges under the 2007 Trafficking in Persons Act.

¶18. Children who worked usually did so on plantations or farms, or in gardens, shops, and markets. Some children were involved in selling goods or services or begging. There were some reports of children engaged in prostitution, especially in tourist areas. Law enforcement authorities were able to use both the 2004 Child Protection Act and the 2007 Trafficking in Persons Act to prosecute persons involved in child trafficking. In addition, the police anti-TIP unit monitored some bars and clubs to make sure children were not being employed or exploited in those venues.

